IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

(1) **CRIMINAL APPLICATION NO.1863 OF 2006**

Shri Ravindra M.Dongre ..Applicant
V/s
State of Maharashtra ..Respondent

---

(2) **CRIMINAL APPLICATION NO.1864 OF 2006**

Shri Ashish S.Karkhanis ..Applicant
V/s.
State of Maharashtra ..Respondent

---

(3) **CRIMINAL APPLICATION NO.1865 OF 2006**

Shri Madhav Damodar Deshpande ..Applicant
V/s.
State of Maharashtra ..Respondent

Mr.S.R.Chitnis Sr.Advocate with Mr.Amol Patankar for the applicants.

Ms.S.V.Gajare APP for the State.

Coram : R.S.Mohite,J

Date : 17.7.2006.

PC

1. These are the 3 applications for grant of anticipatory bail and as the applicants in all the 3 applications are shown as accused in MECR No.2/2006 registered by the Dadar police station for alleged offences under Sections 420, 406, 409, 465, 467, 468, 471, 477-A, r/w 34 of IPC and as common points are involved in all these 3 applications, all the 3 applications are being disposed off by this common

order.

2. The crime has been registered by the Dadar police station after an order under Section 156(3) of Cr.P.C. was passed on the complaint filed by one Mr.Mahesh Ved who claims to be a chess lover. A complaint which has been filed on 14.2.2006 by Mr.Mahesh Ved pertains to an incident which is said to have been occured in the year 1998. As per the complaint, tournament was held by the Maharashtra Chess Association between 2.9.1998 and 11.9.1998. It is stated in the complaint that by way of reimbursement for the expenses of the said tournament in May-1999 a government grant was received by the Maharashtra Chess Association which is the apex body. The applicant in Criminal application no.1863/2006 Mr.Ravindra M.Dongre was the Secretary of the Maharashtra Chess Association during this period. The applicant in Criminal application no.1864/2006 Mr.Ashish S.Karkhanis was the treasurer and the applicant in Criminal application no.1865/2006 Mr.Madhav Damodar Deshpande was the Chartered Accountant. It is mentioned in the complaint that out of the amount which has been received, an amount of Rs.90,000/- was withdrawn by the applicants illegally and the said amount was mis-appropriated. The applicants do not dispute the fact that Rs.90,000/- was withdrawn by them in cash. The statement of account of the Jan Kalyan Sahakari

Bank which is the bank of the Maharashtra Chess Association indicates that amount of Rs.2,90,000/- which was the amount given by the Central Government was received on 13.5.1997. The said amount was received through All India Chess Federation. The amount of Rs.90,000/- is shown to have been withdrawn by cash. It is the case of the applicants that this amount was due to them as a loan as reflected in the audited balance-sheet ending 31.3.1998. It is further seen that prior to receipt of Rs.2,90,000/-, an amount of Rs.93,727.05 was already lying in the bank in the general account. The possible view is therefore, that amount of Rs.90,000/- was not from the sanctioned amount of Rs.2,90,000/-. The learned APP pointed out that apart from Rs.90,000/-, further amount of Rs.35,767, Rs.16,500, Rs.3500, Rs.21,225 and Rs.5586 have been mis-utilised from the granted amount. It is however, seen that these amounts have been paid by cheques to various parties. One of these amount is Rs.1,00,000/- to the Andheri Sports Complex. In my prima facie view, such an amount may not be the amount that can be said to be mis-appropriated by the applicants. The Central government which has paid the grants, had paid them subject to any audit objection from the Auditor General of India. The Central Government has accepted the account and has not raised any grievance. In this background and in my view, investigation can therefore, proceed

without custodial interrogation of erstwhile office bearers. It is therefore, directed that in the event of their arrest in connection with MECR No.2/2006 registered by the Dadar police station, the applicants may be released on bail in the sum of Rs.15,000/- each with one surety each in the like amount subject to the condition that they will report to the investigating officer once a week on every Monday till the charge-sheet is filed and thereafter, as and when called upon to do so in writing. All the 3 applications are disposed off accordingly.

(R.S.Mohite,J)